

REMARKS

I. Introduction

Claims 30 to 32, 34 to 36, and 38 to 58 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Allowed Claims

Applicants note with appreciation the indication that claims 30 to 32, 34 to 36, and 38 to 57 are allowed.

III. Objection to the Drawings

Regarding the objections to the drawings, the Examiner will note that Figures 5 and 10 have been amended herein to explain the steps within the flowcharts. No new matter has been added.

In view of the foregoing, withdrawal of these objections is respectfully requested.

IV. Rejection of Claim 58 Under 35 U.S.C. § 112

Claim 58 was rejected under 35 U.S.C. § 112, second paragraph, the Patent Office contending that the claims are indefinite. Specifically, the Patent Office contending that claim 58 is directed to both an apparatus and a process thereby overlapping two statutory classes of invention.

Applicants respectfully disagree. M.P.E.P. § 2106.01 makes it plain that “[w]hen a computer program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product claim.” Further, “when functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and **will be statutory** in most cases since use of technology permits the function of the descriptive material to be realized.” Additionally, “when a computer program is used in a computerized process where the computer executes the instructions set forth in the computer program”, the claim remains statutory irrespective of the fact that a computer program is included in the claim.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

V. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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/Richard M. Rosati/
By: Richard M. Rosati (Reg. No. 31,792) for:
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646